



Entered on Docket
August 07, 2007

Hon. Linda B. Riegle

United States Bankruptcy Judge

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Bob L. Olson (Nevada Bar No. 3783)

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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725 LBR

Case No. BK-S-06-10726 LBR

Case No. BK-S-06-10727 LBR

Case No. BK-S-06-10728 LBR

Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER ON SECOND OMNIBUS
OBJECTION OF POST-EFFECTIVE
DATE USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC, TO (1)
CLAIM FILED BY BEADLE
MCBRIDE & REEVES, LLP, AND (2)
SCHEDULED CLAIM OF GMAC
COMMERCIAL HOLDING
CAPITAL CORPORATION**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Hearing Date: July 27, 2007
Hearing Time: 9:30 a.m.
Hearing Place: Courtroom 1

The Court, having considered the Second Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC, To (1) Claim Filed By Beadle McBride & Reeves, LLP, and (2) Scheduled Claim of GMAC Commercial Holding Capital Corporation (the "Objection"), and the Opposition of Creditor Beadle McBride & Reeves, LLP to the Objection; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with no other appearances being noted on the record; appropriate notice of the Objection having been given; and for good cause appearing,

IT IS HEREBY ORDERED that:

1. The Objection is sustained with respect to GMAC Commercial Holding Capital Corporation ("GMAC").

2. GMAC has no claim against Diversified, and GMAC shall not be entitled to any distribution from Diversified.

3. An evidentiary hearing shall be held before this Court on October 15, 2007, at 9:30 a.m. to determine the validity and amount, as necessary, of the claim filed against Diversified by Beadle McBride & Reeves, LLP [Claim No. 56].

PREPARED AND RESPECTFULLY SUBMITTED BY:

BECKLEY SINGLETON, CHTD.

By /s/ Anne M. Loraditch

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1 **APPROVED**/DISAPPROVED:

2 **HOWARD & HOWARD**

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Attorneys for Beadle McBride & Reeves, LLP

8 **APPROVED**/DISAPPROVED:

9 **OFFICE OF THE UNITED STATES TRUSTEE**

10 By /s/ August B. Landis
11 AUGUST B. LANDIS
12 300 Las Vegas Boulevard, Suite 4300
Las Vegas, Nevada 89101

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15 **RULE 9021 DECLARATION**

16 In accordance with Local Rule 9021, the undersigned certifies:

- 17 ☐ The Court waived the requirements of LR 9021.
- 18 ☒ I have delivered a copy of the proposed order to the Office of the United States Trustee
19 and the parties who filed papers in response to the Objection or appeared at the hearing
noted above, and each has:
- 20 ☒ approved the form of this order; and/or
21 ☐ waived the right to review the order; and/or
22 ☐ failed to file and serve papers in accordance with LR 9021(c); and
the following have disapproved the form of the order:
n/a
- 23 ☐ No opposition was filed to the motion and no other party or counsel appeared at the
24 hearing.

25 **BECKLEY SINGLETON, CHARTERED**

26 By: /s/ Anne M. Loraditch
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